

REMARKS

This paper is responsive to the Quayle Action mailed on 3-22-2010. The Applicants note with appreciation the indication that all pending claims are in condition for allowance, and also express their appreciation for the Examiner's time in participating in the brief telephone conference on March 24, 2010 to discuss the Action. During that conference, no claims were discussed, no exhibits were shown or demonstrations conducted, and no prior art was discussed. The sole topics were the requirement to delete the LITERATURE CITED portion of the Specification and the request for additional information regarding the term DENTSPLY. The Examiner indicated that the requirement to delete the LITERATURE CITED portion of the Specification was related to an issue of publication and the potential that the application might be returned from publication.

The Applicant notes that the objected-to term DENTSPLY (page 2 of the Action) is a company name, rather than a trademark for a composition. It is believed that the foregoing Specification amendment addresses the Examiner's request.

With regard to the requirement to delete the LITERATURE CITED section beginning on page 36 and to include those citations in an IDS, it is noted that the Applicants previously submitted references listed in the Specification in a Supplemental IDS (see the Applicant's response dated 10-11-2005 and accompanying NPL documents, available in the online Office records pertaining to this application). Further, the Applicant is unaware of any *per se* requirement under the statutes or rules pertaining to patent practice that any citation mentioned in the Specification must find its way into an IDS. The rule remains that material information is to be cited to the Office in the IDS, but there is no proscription of which the Applicant is aware against including other references in a citation section.

The Applicant also respectfully notes that the practice of including citations of literature in the Specification as a group for convenience, rather than interspersed throughout the Specification, is and has been common, and continues to this day. A brief search of

online Office records revealed at least eight Letters Patent which issued between Feb. 16, 2010 and March 9, 2010 including LITERATURE CITED sections. Thus, there appears to be no reason based on statute or Office rule for the application to be returned from publication.

The Applicant believes that the patent application is in condition for allowance in its present form, and therefore issuance of a prompt Notice of Allowance for the pending claims of the present application is respectfully requested. The Examiner is requested to contact the undersigned at the telephone number below, should any further informalities require action.

Respectfully submitted,

KING & SCHICKLI, PLLC

A handwritten signature in dark ink, appearing to read 'P. Torre', is positioned above the printed name of the signatory.

Patrick M. Torre
Registration No. 55,684

247 North Broadway
Lexington, KY 40507
(859) 252-0889